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Attorneys for Plaintiff/Counter-
Defendant WESTERN HERITAGE
INSURANCE COMPANY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

WESTERN HERITAGE INSURANCE
COMPANY,

Plaintiff,

v.

NATIONAL SURETY CORPORATION;
ASSOCIATED INDEMNITY
CORPORATION; and DOES I-X,
inclusive,

Defendants.

NATIONAL SURETY CORPORATION; and
ASSOCIATED INDEMNITY
CORPORATION,

Counter-Claimants,

v.

WESTERN HERITAGE INSURANCE
COMPANY,

Counter-Defendant.

Case No. 2:14-cv-00118-KJD-VCF

STIPULATION AND ORDER TO STAY
ALL PROCEEDINGS UNTIL FINAL
RESOLUTION OF UNDERLYING STATE
COURT ACTION

1 WHEREAS, the focus of the present declaratory relief action
2 is on contribution and indemnity issues between Western Heritage
3 Insurance Company (hereinafter "Western Heritage") and by
4 Associated Indemnity Corporation (hereinafter "Associated
5 Indemnity") and National Surety Corporation (hereinafter
6 "National Surety") based on an award of damages to Tyrin Salinas,
7 the plaintiff in a separate underlying State Court tort action,
8 identified as Case No. A547417 in the Eighth Judicial Court
9 (hereinafter "the underlying action"), and to determine the
10 apportionment between Western Heritage, Associated Indemnity and
11 National Surety for the payment of the defense fees and costs to
12 defend Donahue Schriber in the underlying action; and

13 WHEREAS, the resolution of the underlying action will
14 establish the amount of damages that the underlying plaintiff
15 will receive and also establish the amount of the defense fees
16 and costs to defend Donahue Schriber; and

17 WHEREAS, it will conserve judicial resources to stay the
18 declaratory relief action in the present case until the total
19 amount of damages and defense fees and costs are established in
20 the underlying action;
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1 IT IS HEREBY STIPULATED AND AGREED by and between
2 Theodore J. Kurtz, counsel for Western Heritage and
3 Benjamin J. Carman, counsel for National Surety and Associated
4 Indemnity, that all proceedings and the present declaratory
5 relief action be stayed.

6 IT IS FURTHER STIPULATED AND AGREED that the stay will be
7 lifted 20 calendar days after the expiration of the time period
8 within which to appeal the judgment in the underlying action or
9 20 calendar days after any appeal in the underlying action has
10 been finally resolved and if the parties to this present
11 declaratory relief action have not voluntarily resolved their
12 dispute.

13 Additionally, IT IS FURTHER STIPULATED AND AGREED that if
14 there is no voluntary resolution of the present declaratory
15 relief action and the stay is lifted, that the opposition of
16 National Surety and Associated Indemnity to the pending motion
17 for summary judgment filed on behalf of Western Heritage will be
18 due within 21 calendar days after the date the stay is lifted.

Selman Breitman LLP
ATTORNEYS AT LAW

Furthermore, IT IS STIPULATED AND AGREED that within 10 calendar days after the date the stay is lifted that counsel will prepare and submit to the court a proposed Supplemental Discovery Plan and Scheduling Order which addresses all discovery issues.

DATED: July 2, 2015 SELMAN BREITMAN LLP

By: /s/ Theodore J. Kurtz
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DATED: July 2, 2015 HAGER & DOWLING

By: /s/ Benjamin J. Carman
BENJAMIN J. CARMAN
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4045 Spencer Street, Suite 408
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Attorneys for Defendants NATIONAL
SURETY CORPORATION; ASSOCIATED
INDEMNITY CORPORATION

ORDER

IT IS SO ORDERED.

DATED: July 2, 2015


UNITED STATES MAGISTRATE JUDGE

IT IS FURTHER ORDERED that a status hearing is scheduled for 10:00 a.m., January 18, 2016, in courtroom 3D.